

**FILED**

**NOV 21 2013**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

**Clerk, U.S. District Court  
District Of Montana  
Missoula**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**R-LYNN DEAN LITTLEDOG,**

**Defendant.**

**CR 09-68-GF-DLC-RKS**

**ORDER**

This case was referred to United States Magistrate Judge Keith Strong for a revocation hearing and findings and recommendations. Judge Strong entered findings and recommendations on October 31, 2013. Defendant admitted he had violated the preamble to the standard conditions of his supervised release conditions by consuming marijuana and Special Condition 9 by consuming alcohol. Judge Strong found the admissions sufficient to establish the supervised release violations. He recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of 18 months with no supervised release to follow.

No objections were filed by either party. Judge Strong's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9<sup>th</sup> Cir. 1981).

This Court agrees with Judge Strong's findings. Defendant admitted that he violated the conditions of his supervised release by consuming marijuana and alcohol. The United States Sentencing Guidelines call for 3 to 9 months imprisonment. A sentence of 18 months with no further supervised release is appropriate because Defendant violated the terms of his supervised release shortly after he was placed on supervision, and it is Defendant's second violation. Defendant admits he cannot abide by the conditions of his supervised release due to his ongoing chemical dependency problem. Thus, an above guidelines custodial sentence with no further supervised release is warranted in this case.

IT IS ORDERED that Judge Strong's Findings and Recommendations (doc. 57) are ADOPTED in full and Judgment shall be entered accordingly.

Dated this 21<sup>st</sup> day of November, 2013.

  
\_\_\_\_\_  
Dana L. Christensen, Chief Judge  
United States District Court